

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America

v.

Martin Eulalio MOLINA LOPEZ, and
Ana Tanairi LARA PEREZ.

CRIMINAL COMPLAINT

CASE NUMBER:

24-3042 MS

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

On or about the date described in Attachment A in the County of Maricopa in the District of Arizona, the defendants committed the crime of Possession of a Firearm by an Alien, in violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(8), described as follows:

See Attachment A – Description of Count

I further state that I am a Special Agent for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and that this complaint is based on the following facts:

See Attachment B, Statement of Probable Cause, Incorporated by Reference Herein.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

AUTHORIZED BY: Marcus Shand, AUSA

Joe Gallo

Name of Complainant

JOSEPH GALLO

Digitally signed by JOSEPH
GALLO
Date: 2024.02.26 11:45:10 -07'00'

Signature of Complainant

Sworn to telephonically before me

February 26, 2024

Date

at Phoenix, Arizona
City and State

HONORABLE MICHAEL T. MORRISSEY
United States Magistrate Judge

Name & Title of Judicial Officer

M Morrissey

Signature of Judicial Officer

ATTACHMENT A
DESCRIPTION OF COUNT

COUNT 1

Possession of a Firearm by an Alien

On or about February 24, 2024, in the District of Arizona, Defendants MARTIN EULALIO MOLINA LOPEZ and ANA TANAIRI LARA PEREZ, knowing that he/she was an alien who had been admitted to the United States under a nonimmigrant visa and not falling into any permitted exceptions pursuant to 18 U.S.C. § 922(y)(2), did knowingly possess a firearm, to wit: One Pioneer Arms Corp, model Hellpup, 7.62 x 39 mm caliber pistol, serial # PAC1183727, which had previously been shipped or transported in interstate or foreign commerce.

All in violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(8).

ATTACHMENT B

STATEMENT OF PROBABLE CAUSE

I, Joe Gallo, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), being duly sworn, depose and state as follows, to wit:

INTRODUCTION

1. I am an investigative or law enforcement officer of the United States, within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

2. I am a Special Agent (“SA”) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), United States Department of Justice, and have been so employed since August 23, 2021. I am presently a member of the ATF Phoenix Field Division’s Group I. As a SA of the ATF, my duties and responsibilities include conducting criminal investigations of individuals and entities for possible violations of federal and state laws. I have participated in the use of cooperating informants, undercover agents, video surveillance, GPS tracking devices, search warrants, and audio surveillance, among other law enforcement techniques, during my career with ATF. Additionally, I have participated in numerous controlled buys of firearms and narcotics from targets of law enforcement investigations. Based on training and experience, I am familiar with methods used for firearms trafficking and narcotics trafficking.

3. In my training and experience, I know that drug traffickers often carry firearms on their person to protect themselves and their products.

4. In preparing this Affidavit, I conferred with other law enforcement officials, who share the opinions and conclusions stated herein. I have personal knowledge of the following facts or have learned them from other law enforcement officers. I have also relied on my training, experience, and background in law enforcement to evaluate this information. Since this Affidavit is being submitted for the limited purpose of establishing probable cause for a Complaint, I have not included each and every fact or source of

information establishing the violation of federal law. Based on the below facts, I submit there is probable cause that MARTIN EULALIO MOLINA LOPEZ ("MOLINA LOPEZ") and ANA TANAIRI LARA PEREZ ("LARA PEREZ") committed the crime of Possession of a Firearm by an Alien, in violation of Title 18, United States Code §§ 922(g)(5) and 924(a)(8).

PROBABLE CAUSE

5. On February 14, 2024, while reviewing multi-purchase forms sent to ATF and the Phoenix Police Department ("PPD") your affiant noticed several purchases for an individual ("Subject 1") which appeared suspicious due to the overall number and the quantity of the same type of firearms being purchased over an eight-day period.

6. Your affiant observed the following suspicious purchases at that time:

- a. On February 3, 2024, the purchase of two AK47 style pistols from a federally licensed firearms dealer at a gun show in Fountain Hills, AZ.
- b. On February 3, 2024, the purchase of six AK47 style rifles from a second federally licensed firearms dealer at a gun show in Fountain Hills, AZ.
- c. On February 3, 2024, the purchase of three AK47 style rifles at a third federally licensed firearms dealer at a gun show in Fountain Hills, AZ.
- d. On February 10, 2024, the purchase of a Glock 43X handgun at Tombstone Tactical, a federally licensed firearms dealer in Phoenix, AZ.
- e. On February 11, 2024, the purchase of a Glock 17 handgun at Tombstone Tactical in Phoenix, AZ.
- f. On February 11, 2024, the purchase of an AK47 rifle from Lone Wolf Trading Company, a federally licensed firearms dealer.

7. Your affiant contacted Tombstone Tactical and spoke with the compliance manager, who provided video from the transactions on February 10, 2024, and February 11, 2024. Upon review, your affiant noted several concerning observations. On both days, Subject 1 arrived at Tombstone Tactical in a 2019 black Dodge Ram truck bearing an Arizona license plate. This truck was registered to Subject 1 and had a listed address on Holly St.

in Phoenix, AZ. Subject 1 was a passenger when the truck arrived while a Hispanic male drove the truck. They also had an approximately 10-year-old male child with them.

8. Your affiant conducted open-source social media searches for Subject 1 and found a Facebook profile for her account. There are numerous photos of Subject 1 with a male who appears to match the male with her at Tombstone Tactical. Your affiant located a Facebook profile for that male and asked for assistance in identifying the male from an ATF analyst. Your affiant was provided a possible match of a person ("Subject 2"), who had been detained last year for being in the United States unlawfully and was issued an order of removal. Your affiant also provided a known phone number for Subject 1 to the Analyst who informed your affiant that Subject 1 had called Subject 2 several times while he was detained from that phone number indicating this was the correct person and that Subject 1 would be aware of his unlawful status in the United States. Lastly, your affiant was provided photos of Subject 2 and found they appeared to match the subject on social media and the subject shopping with Subject 1 in the gun store.

9. Your affiant noted that on both February 10, 2024, and February 11, 2024, a grey 2021 Chevrolet Silverado truck pulled into the Tombstone Tactical parking lot at the same time as the 2019 black Dodge Ram. The Silverado had a Sonora, Mexico license plate displayed with a registration number of UW-4143-A. A Hispanic male later identified as MOLINA LOPEZ exited the truck and entered the store on both dates at the same time as Subject 1 and Subject 2. Your affiant noted that MOLINA LOPEZ did not contact Subject 1 but does appear to speak with Subject 2 numerous times while in the store. Your affiant also noted that the truck left the parking lot at the same time as Subject 1 and Subject 2.

10. Your affiant reviewed past license plate reader ("LPR") reports pertaining to the dates when guns were purchased by Subject 1. Your affiant noted that on February 3rd and 4th of 2024, the grey Chevrolet Silverado was present in the United States. Your affiant noted that there was a LPR hit on I-10 southbound at Val Vista Blvd on February 4, 2024. An LPR hit at the Port of Entry captured the Silverado leaving the United States and entering into Mexico on February 4, 2024, at approximately 2:30 p.m. On February

10, 2024, your affiant noted that both the Dodge Ram truck belonging to Subject 1 and the grey Chevrolet Silverado with the Mexico license plate were LPR scanned at the Loop 101 Freeway and Shea Blvd at the same time indicating they were traveling together. On February 11, 2024, both the Dodge Ram truck and Chevrolet Silverado were LPR scanned at several points in Scottsdale and Tempe together at the same times. Your affiant noted that another LPR read for the grey Chevy Silverado was at the 1-10 freeway and Val Vista Blvd. again indicating to your affiant that the Silverado had gone back to Mexico after the firearm purchases were made by Subject 1. LPR readers at the Port of Entry did not capture the Silverado exiting the United States. After conferring with Border Protection Officers, I learned that the outbound LPR at the Port of Entry does not capture all vehicles exiting the United States.

11. On February 17, 2024, your affiant learned that Subject 1 purchased two AK47 style rifles and an AK style pistol from Harris Brothers Tactical, a federally licensed firearms dealer. Subject 1 paid for those firearms with cash. Your affiant also noted that the grey Silverado was captured on video surveillance and LPRs in the area of Harris Brothers Tactical at the time of the purchases.

12. On February 18, 2024, your Affiant learned that Subject 1 purchased two AK47 style rifles from Mo Money Pawn, a federally licensed firearms dealer. These rifles were also purchased with cash.

13. On February 18, 2024, at approximately 9:15 p.m., the grey Chevrolet Silverado was photographed as it left the United States and entered into Mexico.

14. Your affiant knows from his training and experience that AK47 style rifles are a frequently trafficked firearm to the Country of Mexico. ATF has noticed a large increase in multiple purchases of these types of firearms in the recent months. Your affiant also knows from his training and experience that it is uncommon for subjects that have no history of purchasing large quantities of firearms to purchase many of same type of firearm suddenly. Lastly, your affiant knows that subjects who use lawful purchasers for firearms

for trafficking purposes will frequently accompany them in the store to verify they do not lose funds and to select the firearms to be straw purchased.

15. In total Subject 1 has purchased eighteen (18) AK47 variants and two Glock handguns in a 17-day period. Many of the AK style rifles were the same model and manufacturer. It is your affiant's belief that these firearms are likely being trafficked to the country of Mexico.

16. On February 22, 2024, a federal tracking warrant (24-8096MB) for the grey Chevy Silverado bearing Sonora, Mexico plate UW-4143-A was granted by U.S. Magistrate Judge John Z. Boyle in the District of Arizona.

17. On February 23, 2024, U.S. Border Patrol alerted ATF and Homeland Security Investigation (HSI) that the grey Chevy Silverado applied for entry to the United States through the CBP Nogales Border Crossing at 7:55 p.m. HSI assisted ATF by placing a tracker on the vehicle. Agents tracked the vehicle to Phoenix, AZ where it stopped at Double Tree Suites by Hilton Hotel located at 320 N. 44th Street, Phoenix, AZ 85008 for the night.

18. Customs and Border Patrol advised that the occupants of the grey Silverado were MOLINA LOPEZ and LARA PEREZ along with two young children.

19. On February 24, 2024, agents observed the Chevy Silverado leave the Double Tree hotel and drive to the Crossroads of the West Gun Show located at the Arizona State Fair, 1826 W. McDowell Rd., Phoenix, AZ 85007.

20. ATF SAs and PPD detectives established surveillance at the gun show. SAs observed MOLINA LOPEZ meet with a potential straw purchaser out of the general view of the booths, where it appeared that MOLINA LOPEZ handed this individual money.

21. The suspected straw purchaser then went inside and went to State 48 Firearms, a federally licensed firearms dealer and purchased nine (9) Anderson Manufacturing lower receivers, which are serialized and require an ATF 4473 Form to be filled out and a background check to be completed. SAs noticed that MOLINA LOPEZ was in close proximity and monitoring the transaction. After the transaction was completed, an

employee of the FFL handed the suspected straw purchaser a black bag with a large white circle on it.

22. Surveillance lapsed for a brief moment, but SAs later established surveillance on MOLINA LOPEZ and they noticed MOLINA LOPEZ was now in possession of the black bag with a white circle. SAs reviewed surveillance footage of the sales floor and observed the straw purchaser hand MOLINA LOPEZ the black bag with white circle.

23. Immediately after that exchange, the two walked away from the location of the exchange and appeared to be counting money. SAs observed another exchange take place. Surveillance footage indicated this exchange occurred within minutes of the purchase of the lower receivers.

24. At approximately 2:30 p.m., MOLINA LOPEZ purchased nine (9) AR-15 upper receiver kits from Durkin Tactical. The upper receiver parts kits, when paired with the lower receivers purchased earlier by the straw purchaser, would make them complete and functioning firearms. An ATF Task Force Officer ("TFO") confirmed with Durkin Tactical that the upper receiver kits were compatible with the Anderson lower receivers.

25. Shortly after the purchase of the parts kits, SAs observed MOLINA LOPEZ and LARA PEREZ walk to the Silverado and put the parts kits and the black bag with a white circle in the vehicle. S1 and S2 then walked back into the gun show where SAs observed talking to multiple individuals where it is believed that S1 and S2 were soliciting straw purchasers.

26. At approximately 4:23pm, SAs observed MOLINA LOPEZ and LARA PEREZ speaking to a group of three individuals inside of the gun show on the sales floor.

27. At approximately 5:00 p.m., SAs observed the same three individuals in the parking lot walk toward a tan colored Chevrolet Tahoe. SAs observed MOLINA LOPEZ walk towards the tan Chevrolet Tahoe while LARA PEREZ retrieved the Chevy Silverado and drive it over to the tan Chevrolet Tahoe. SAs observed LARA PEREZ pick up gun boxes and place them in the back seat of the Chevy Silverado. SAs observed MOLINA LOPEZ

exchange what appeared to be money with the male individuals. After the exchange, both vehicles parted ways.

28. ATF confirmed with Homeland Security Investigations (“HSI”) that both MOLINA LOPEZ and LARA PEREZ were admitted to the United States via B1/B2 visas (nonimmigrant visas) which allows them to legally enter the United States. These visas do not permit them to possess firearms and/or ammunition.

29. At approximately 5:39 p.m., a traffic stop was conducted based on probable cause that MOLINA LOPEZ and LARA PEREZ were in illegal possession of firearms. During the traffic stop, agents observed the items described below in the back seat of the Chevy Silverado. Pursuant to a search incident to arrest, agents discovered a large amount of U.S. currency concealed on LARA PEREZ’s person.

30. On February 25, 2024, at approximately 1:47 p.m., ATF SAs searched the Chevy Silverado pursuant to a federal search warrant.

31. Below is an itemized list of the evidentiary items discovered in the truck:

- a. Seventeen (17) AR-15 serialized lower receivers with trigger group;
- b. Sixteen (16) AR-15 upper receivers;
- c. One Pioneer Arms Corp, model Hellpup, 7.62 x 39 mm caliber pistol, serial # PAC1183727 with two 30-round AK magazines; and
- d. Sixteen (16) 30-round AR magazines.

32. SA Gallo spoke with Senior Special Agent (“SSA”) Lowell Farley, a recognized interstate nexus expert for the District of Arizona. SSA Farley confirmed that the Pioneer Arms Corp. pistol was manufactured in Poland and moved in interstate commerce in order to arrive in the State of Arizona.

CONCLUSION

33. Based on these facts, I submit there is probable cause to believe MOLINA LOPEZ and LARA PEREZ committed the crime of Possession of a Firearm by an Alien, in violation of Title 18, United States Code §§ 922(g)(5) and 924(a)(8).

34. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

JOSEPH
GALLO

JOE GALLO
Special Agent
ATF

Digitally signed by JOSEPH
GALLO
Date: 2024.02.26 11:45:31
-07'00'

Subscribed and sworn electronically this 26 of February 2024.

M Morrissey

HONORABLE MICHAEL T. MORRISSEY
United States Magistrate Judge